

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the instant application are respectfully requested in view of the above amendments and the following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-74 and 79 are pending in the application. Claims 75-78 were previously withdrawn without prejudice or disclaimer to subject matter. Claims 1, 13, 24, 35, 46 and 58, which are independent claims, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, specifically in paragraphs [0040] and [0044] to [0047] of the specification. No estoppel as to equivalents is intended.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTION UNDER 35 U.S.C. §112 and §103(a)

Claims 1-74 and 79 were rejected under 35 U.S.C. §112, as allegedly being indefinite.

Claims 1-3, 7, 12, 24, 26-27, 34, and 79 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,081,402 to Koleda (hereinafter, merely “Koleda”).

Claims 4 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koleda in view of U.S. Patent Application Publication No. 2003/0215032 to Langlais et al. (hereinafter, merely “Langlais”).

Claims 5, 6, 13-16, 18, 23, and 29-30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koleda in view of U.S. Patent No. 6,735,454 to Yu et al. (hereinafter, merely “Yu”).

Claims 8 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Koleda in view of U.S. Patent No. 5,471,665 to Pace et al. (hereinafter, merely “Pace”).

Claims 9, 31, 35, 37-38, 42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of U.S. Patent No. 6,058,292 to Terreault (hereinafter, merely “Terreault”).

Claims 10, 32 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and U.S. Patent No. 5,537,676 to Panther (hereinafter, merely “Panther”).

Claims 11, 33, 46-48, 52, and 56-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of U.S. Patent No. 5,636,243 to Tanaka (hereinafter, merely “Tanaka”).

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu and Langlais.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu and Pace.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu and Terreault.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu, Terreault, and Panther.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu and Tanaka.

Claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Langlais.

Claims 40-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Yu.

Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Pace.

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Tanaka.

Claim 49 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Tanaka and Langlais.

Claims 50-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Tanaka and Yu.

Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Tanaka and Pace.

Claim 54 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Tanaka and Terreault.

Claim 55 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Pace and Panther.

Claims 58, 60-61, 63, 68-69, and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of U.S. Patent No. 6,128,470 to Naidu (hereinafter, merely “Naidu”).

Claim 62 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Naidu and Langlais.

Claim 64 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Naidu and Pace.

Claim 65 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Naidu and Terreault.

Claim 66 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Naidu and Terreault and Panther.

Claim 47 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Naidu and Tanaka.

Claim 70 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Yu and Naidu.

Claim 72 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Terreault and Naidu.

Claim 73 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of Tanaka and Naidu.

Claim 74 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koleda in view of U.S Patent No. 6,829,493 to Hunzinger (hereinafter, merely “Hunzinger”).

III. RESPONSE TO REJECTIONS

A. Response to Rejections Under 35 U.S.C. § 112

Claims 1, 13, 24, 35, 46 and 58 are amended, thereby obviating the rejections under U.S.C. § 112.

B. Response to Rejections Under 35 U.S.C. § 103

Independent claim 1 recites, *inter alia*:

“wherein the preamble pulse is not a data command signal, wherein when the controller causes the receiver to be energized, an activation duration of the

receiver is substantially shorter than the period of a preamble pulse."
(Emphasis added)

Applicants respectfully submit that none of the cited references teach or suggest the above identified features of claim 1.

The relied upon portions of Koleda discuss the Look Step 56 for determining whether a command signal is sent or not based on the detecting results of an activated receiver/detector. Specifically, Koleda (column 5, line 1-10 and step 74 in Figure 7A) discusses that the receiver/detector is activated for a first predetermined period of time being substantially equal to the period of 46 in Figure 3, which is the period of the transmitted signals being equal or longer than the period of a preamble pulse. Applicants respectfully submit that Koleda's receiver is activated in a time period substantially equal to the period of transmitted signals in direct contrast with Applicants' claimed substantially shorter than the period of a preamble pulse. Therefore, Koleda fails to disclose or teach the above-identified features of claim 1.

In other words, Koleda does not mention or disclose any preamble. In Koleda, the transmitter transmits only data packets, a data packet being emitted at periodical intervals (41) and comprising data pulses ("transmitted signals 42"). Data pulses separated by a period 44 mean a logical "0", and data pulses separated by a period 46 mean a logical "1." *Koleda*, col.3 lines 15-26.

The receiver is activated during a first activation period of time being substantially equal to the data "1" period, and preferably 10% greater than this period (*Id.*, col.4 line 66 to col.5 line 6). During this activation period, it checks whether one data pulse edge occurs. If not, it goes into sleep mode.

In a preferred embodiment, the receiver checks that several following edges are separated by the "0" period or by the "1" period (which means that it is a valid command signal and not

noise) before activating the receiver. Therefore, in Koleda, edges obviously mean "rising edges" (or at least edges of the same variation sign, either rising or falling not both).

On page 7 of the Action, the Examiner contends: "Since the period of the preamble pulse comprises three edges as disclosed at column 6 lines 9-10, it is clear that the activation duration of the receiver is substantially shorter than the period of a preamble pulse". Applicants respectfully disagree. Applicants submit that the period of a preamble pulse as depicted in the instant application cannot comprise three edges. Moreover, a period of a preamble pulse cannot comprise three edges of the same sign.

Applicants respectfully submit that after three edges, the preamble of Koleda contains three preamble pulses not one preamble pulse. Applicants further submit that, according to Koleda, Koleda's detector/receiver is kept activated during the first predetermined period, the second predetermined period, and the third predetermined period when the detector detects the first edge, the second edge, and the third edge (see Koleda, column 4, line 65 to column 6, line). Knowing each of the first predetermined period, the second predetermined period, and the third predetermined period is substantially equal or longer than the period of transmitted signal, Applicants submit that the activation period of the detector of Koleda is substantially equal or longer than total period of transmitted signal (the preamble) that contains more than one preamble pulse. Therefore, Koleda fails to disclose or teach wherein the preamble pulse is not a data command signal, wherein when the controller causes the receiver to be energized, an activation duration of the receiver is substantially shorter than the period of a preamble pulse, as recited in claim 1 (emphasis added).

Applicants further submit that Koleda, Langlais, Yu, Panther, Pace, Terreault, Tanaka, Naidu, and Hunzinger, taken either alone or in combination, fail to teach or disclose wherein the preamble pulse is not a data command signal, wherein when the controller causes the receiver to

be energized, an activation duration of the receiver is substantially shorter than the period of a preamble pulse, as recited in claim 1 (emphasis added).

For at least the foregoing reasons, Applicants submit that independent claim 1 patentably distinguishes over the cited art, and is therefore allowable. Since claims 13, 24, 35, 46 and 58 are similar or somewhat similar in scope to independent claim 1, they are also allowable.

IV. DEPENDENT CLAIMS

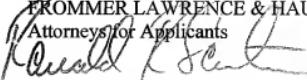
The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the basis for a contrary view.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Any fee occasioned by this paper may be charged, or overpayment credited to, Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants
By: 
Ronald R. Santucci
Reg. No. 28,988

Telephone: (212) 588-0800
Facsimile: (212) 588-0500